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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **ATTN: BOX CPA**
Kiyoshi TANABE et al. : Docket No. 2000-0973A
Serial No. 09/600,027 : Group Art Unit 1636
Filed September 6, 2000 : Examiner K. Katcheves
A METHOD OF MUTAGENESIS : **Confirmation No. 6651**

PRELIMINARY REMARKS
RECEIVED

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Assistant Commissioner for Patents,
Washington, D.C. 20231

MAR 03 2003

TECH CENTER 1600/2900

Sir:

Please note that this application is entitled to CPA practice, since it is a 371 of an international application filed November 11, 1999.

Also, Applicants intend to file a preliminary paper in the new application responding to the grounds of rejection in the last Official Action.

The Examiner is kindly requested to postpone the issuance of a first Official Action in the new application while Applicants prepare this preliminary paper.

It would be very helpful to the Applicants if the Examiner would provide the Applicants' undersigned representative with an indication of the Examiner's deadline for issuing a first Official Action, if the preliminary paper has not been filed by the time the Examiner takes up the application for examination.

Respectfully submitted,

Kiyoshi TANABE et al.

By: _____

Lee Cheng

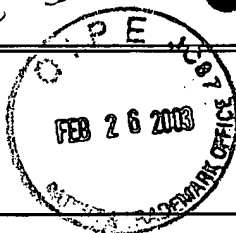
Registration No. 40,949
Attorney for Applicants

02/27/2003 JDA/LKZ 00000000 09500027

01 FC:1202
02 FC:1203

35.00 CP
200.00 CP

LC/gtg
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 26, 2003



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable
☐ DUPLICATE

Address to:
Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.	2000-0973A
First Named Inventor	Kiyoshi TANABE et al.
Confirmation No.	6651
Express Mail Label No.	
Total Pages	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/600,027, filed on September 6, 2000, entitled A METHOD OF MUTAGENESIS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

35 USC 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
a. ☐ PTO-1449
b. ☐ Copies of IDS Citations

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	22 - 20 =		2 x \$18 =	\$36.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3 =		0 x \$84 =	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$280 =	\$280.00
				BASIC FEE (37 CFR 1.16(e))	\$750.00
				Total of above Calculations =	\$1,066.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28):				\$
	TOTAL =				\$1,066.00

6. ☐ Small entity status:

- a. ☐ Small Entity Statement is hereby asserted.
b. ☐ Is no longer claimed.

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to DepositAccount No. 23-0975.

- a. ☒ Fees required under 37 CFR 1.16.
b. ☒ Fees required under 37 CFR 1.17.
c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$1,996.00 is enclosed.9. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.10. ☒ Return Receipt Postcard.11. ☒ Other: Preliminary Remarks and Petition for three month Extension of Time are attached herewith.

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

12. CORRESPONDENCE ADDRESS



000513

PATENT TRADEMARK OFFICE

By: _____

Lee Cheng
Registration No. 40,949

WENDEROTH, LIND & PONACK, L.L.P.
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Phone: (202) 721-8200
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February 26, 2003

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out*
 Commissioner for Patents
 Washington, DC 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/600,027	09/06/2000	1636	1780	2000_0973A	8	10	1

CONFIRMATION NO. 6651

CORRECTED FILING RECEIPT



OC000000009588343

 Wenderoth Lind & Ponack
 2033 K Street NW Suite 800
 Washington, DC 20006

Date Mailed: 03/04/2003

Receipt is acknowledged of a CPA in this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

 Kiyoshi Tanabe, Toyama, JAPAN;
 Mitsuru Furusawa, Tokyo, JAPAN;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP99/06294 11/11/1999

Foreign Applications

JAPAN 321143/1998 11/11/1998

If Required, Foreign Filing License Granted: 10/13/2000

CPA filed on: 02/26/2003

Projected Publication Date: 06/12/2003

Non-Publication Request: No

Early Publication Request: No

Title

Mutagenesis method

Preliminary Class
435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of

: Attn: BOX CPA

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: Docket No. 2000-0973A

Serial No. 09/600,027

: Group Art Unit 1636

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: Confirmation No. 6651

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,
Washington, DC 20231

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MAR 03 2003
THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Attached hereto is a check in the amount of \$1,996.00 to cover Patent Office fees relating to filing the following attached papers:

Continued Prosecution Application (CPA) \$750.00

Petition for Extension of Time \$930.00

Additional Claims Fee:

Excess of Twenty \$36.00

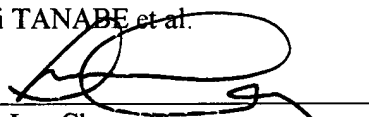
Multiple Dependent Fee \$280.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Kiyoshi TANABE et al.

By 
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February 26, 2003

[Check No. 54427]

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